



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
March 3, 2015

WORK SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:05 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Sally Robinson, Councilors Jennifer Kuiper, Beth Cooke, Dan King and Linda Henderson. Councilor Jennifer Harris arrived at 6:08 pm.
3. **STAFF PRESENT:** City Manager Joseph Gall, Police Chief Jeff Groth, Community Services Director Kristen Switzer, Volunteer Coordinator Tammy Steffens, Community Development Director Julia Hajduk, Planning Manager Brad Kilby, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy.
4. **TOPICS:**

A. Metro Solid Waste Community Enhancement Program

Roy Brower, Solid Waste Compliance and Cleanup Manager and Bill Metzler, Senior Solid Waste Planner for Metro provided the Council with an overview of a new program, Metro Solid Waste Community Enhancement Program. Mr. Brower distributed documents to the Council, Metro Ordinance No. 14-1344 (see record, Exhibit A) and a map of Regional Solid Waste Facilities, (see record, Exhibit B). Mr. Brower stated the program is intended to recognize solid waste facilities, primarily those disposing of, transferring garbage and or food waste that may place an undue burden on local host communities such as Sherwood. Mr. Brower stated for Sherwood he was speaking of Pride Recycling. He said there are issues that surround solid waste facilities and the enhancement program that Metro implements was developed under state law in the late eighties. He stated it needed to be updated and wasn't very clear on which facilities were in or out or how the fees were to be collected or administered. Mr. Brower stated he and Mr. Metzler went through a yearlong process with the Metro Council and stakeholders which resulted in a proposal going to the Metro Council in October 2014. He said Metro approved the modifications to the existing Solid Waste Community Enhancement Program. He said the purpose of the program is to collect fees for garbage delivered to eligible facilities, primarily transfer stations and in Sherwood, it is Pride Recycling. He said this would provide funding to the local community to "rehabilitate and enhance the area in and around the facility", per state law.

Mr. Brower explained there are currently three existing programs and each program has a committee established to help promote and solicit and select projects for funding. He stated one of the programs is in Oregon City and they have operated a program since 1988 through an IGA with Metro. He said Forest Grove has a transfer station that is owned by Waste Management and they have been operating a

transfer station since 1989, also implemented by the City of Forest Grove through an IGA with Metro. He explained the third as Metro having two directly administered committees, where Metro takes in the funds and sets up the committee and makes the decisions with the committee on what projects are funded. He said one of them is the Metro Central Transfer Station operating since 1991 and the St. John's Landfill which closed in the 1990's. He stated there is still a balance that has carried all these years which the Metro Council has decided to expend and get out of the business for that facility.

He said under the updated program there will be four new facilities brought into the program in addition to the existing ones, all transfer stations; Pride Recycling, Republic Waste Willamette Resources in Wilsonville, Waste Management Transfer Station in Troutdale and a facility owned by Recology on Suttle Road in Portland which is a food waste reload facility.

He said effective July 1st all eligible solid waste facilities will be required to collect and remit to Metro a Community Enhancement Fee of \$1.00 per ton on all garbage delivered to those facilities. He said that fee at the existing facilities in Oregon City, Forest Grove and Portland have been .50 per ton since the beginning and state law allows the fee to increase to \$1.00 per ton. He said all facilities including Sherwood's facility will increase to \$1.00 per ton beginning July 1, 2015. He said the amount of money collected will depend on the volume of waste going through the facility. He said, for example, Pride takes through about 70,000 tons per year and we will be collecting about \$70,000 that would be available to Sherwood through this process to spend on community enhancement projects. He said Metro South in Oregon City will collect about \$160,000 per year due to the size of that facility.

He said Metro already collects fees from these facilities, regional system fees, excise taxes, DEQ tonnage fees and TIF fees. He said this community enhancement fee is a comparably small fee. He said Metro will collect the fee and disperse it directly to the host City for funding projects selected by the local enhancement committee, or through the Metro administered committees. He said funds should be used for rehabilitation and enforcement of the area in and around the disposal site consistent with state law which would generally correspond with the City's boundaries. He said part of the expectation is an advisory committee would need to be established to oversee how the funds are spent. He said there are many modes of committees and it could consist of entirely citizens appointed by the Mayor or City Council or a combination, or it could be the City Council. He said this is the model used in Forest Grove, the City Council serves as the Enhancement Committee, hearing project proposals and deciding how to disperse the funds. He said Metro Councilor Dirksen has expressed an interest in being a nonvoting member of your committee. He explained within the program the host local government can claim up to a 20% administrative fee from the funds for mailings, websites, etc. associated with the program.

Mr. Brower stated in addition to the documents provided this evening he provided City Manager Gall with a copy of a proposed IGA, should Sherwood want to take responsibility for the program and said Metro is willing to enter into an IGA. Mr. Brower offered to answer questions.

City Manager Gall stated the IGA is tentatively scheduled on the agenda forecast for May. He said one question he asked Metro is, does the City have a choice in this matter.

Mr. Brower said Metro will collect the fee and the City has a choice whether to administer it or have Metro administer it. He said Metro's preference and their Councilors preference is for the local community to do it. He said Metro does not take any of the money, they just collect it.

Mr. Metzler said the philosophy is that the local community knows best what projects to fund.

Councilor Kuiper asked what does Metro get out of this? If Metro is assessing a \$1.00 per ton fee, equally about \$70,000 and giving that back to Sherwood, why collect the fee? Mr. Metzler replied it's a pass through to establish good feelings and good will in communities that have these types of facilities. He said it's about having good projects and helping the communities that step up to have such a facility. He said Pride is a good operator and probably has not had many problems, but there are other communities where there can be impacts associated with having a facility. He said it's a way to give back to the community as a way to say thank you. Mr. Brower provided the example of other facilities, such as Forest Grove which is located between a park and a residential area. He said Metro is trying to level the playing field and ensure all ratepayers and tons are treated the same across the region.

Councilor Kuiper clarified the fee would be billed to Pride and Pride could potentially pass that fee along to the community. Mr. Brower replied yes and said the curb cost comes to about .50 to .75 per household per year.

Mr. Gall stated Metro has figures showing how much Sherwood is contributing to the Pride site verses non-Sherwood residents and asked Mr. Brower to explain. Mr. Brower stated this is true for all transfer stations, they serve the community where they are located, and in Sherwood's case only about 12% of the tonnage comes from Sherwood residents, the rest comes from neighboring areas, Mr. Brower referred to Exhibit B.

Councilor Robinson asked if there is an expectation that Metro will set a policy and reward people for having transfer stations in their City and is this forming a basis for the state to come in and increase that dollar per ton to recapture funds above the dollar amount? Mr. Brower replied that is not Metro's intent and said there was an effort in years past in Lane County to try and increase the fee and Metro did not take a position on it, they were not inclined to support an increase. He said this is a good question for Metro Councilor Dirksen. Mr. Brower said they have not heard of anyone trying to increase the fee.

Councilor Robinson asked if Metro has entered into IGA's with very many cities? Mr. Brower said they are working through the cities and are redoing the IGA's for Forest Grove and Oregon City and the new IGA's are with Sherwood, Troutdale and Wilsonville and they have had similar meetings with these cities.

Councilor Henderson asked if the Forest Grove facility took household junk or just commercial? Mr. Brower replied their facility is just commercial and said the Hillsboro landfill is an option for that area.

City Manager Gall commented about garbage being a business that is market driven, with facilities regulated by Metro and the state. Mr. Brower said Metro was working on a "solid waste roadmap" which looks at the long term fate of our waste, trying to get the most value out of the waste verses using landfills. He gave the example of the Covanta facility in Marion County where waste is burned for energy and food is separated out for composting. General discussion followed regarding this type of a facility and pollution and how they have improved over the years.

Mayor Clark stated with the collection of fees effective July 1st, when will the funds be allocated to the City? Mr. Brower stated they will begin collecting July 1st and will remit the funds to the City on a quarterly basis.

City Manager Gall stated Councilor Dirksen indicated the funds to Sherwood would be around \$70,000 per year and said he wants to ensure this is accurate, as the City puts together the budget this will be revenue. Mr. Brower replied they are pretty convinced the amount is accurate and said they have spoken with Mr. Leichner often about their tonnage. City Manager Gall stated he will put this amount into the City's proposed budget.

Mr. Gall said he has spoken to some of the Council members and it seems like the Council should be the members of the committee and decide how to expend the funds rather than create another advisory committee. Mr. referred to the City of Forest Grove and their setup. Mr. Brower referred to the City of Oregon City and said they use their Council as their committee and added a few citizen members. He said Metro is leaving this to the City to decide.

Mr. Gall stated he will be asking the Council members for their committee preference as the IGA he plans on bringing to the Council in May will need to indicate this.

Mayor Clark thanked Metro and addressed the next work session topic.

B. Community Gardens Project

City Manager Gall informed the Council this idea for a Community Garden Program came from Mayor Clark and said staff has done research from other cities in Washington County and he is looking for direction from the Council to continue with developing the program. He stated if the program is developed it will probably be managed by Kristen Switzer in Community Services, with the bulk of the work performed by Tammy Steffens and it will also impact the public works department. He stated he has experience with community gardens from his time with the City of Beaverton and said their program was very successful. He said he wants to proceed with the idea in a thoughtful manner to avoid getting into something that is a headache for us. He said in most cities the programs are very popular and there are waiting lists.

Tammy Steffens Volunteer Coordinator presented information (see record, Exhibit C) and explained community gardens involve individual garden spaces where community members pay an annual fee while the entire space is cared for cooperatively. She said a community garden is to some people a place to grow produce and for other a place to exercise. She said some use the gardens due to lack of space at their homes and others take part in the garden to build or revitalize a sense of community among neighbors.

Tammy explained the benefits of the community gardens to provide gathering places to strengthen social networks through gardening and to develop a sense of pride for residents, they foster relationships, lower food budgets and benefit psychological health. They set aside green space and encourage physical activity.

Tammy explained the gardens require a lot of work, need an organization committee, rules, funding, sponsorships and people that are committed. She explained common challenges faced by community gardens being management intensive, they demand patients and time and the capacity to work with and organize people and projects. They require systems to enforce rules and resolve conflicts. Tammy stated they are maintenance intensive with grass needing to be mowed, barks chips spread, equipment needing to be repaired and plant debris needs to be composted.

Tammy explained site permanency and said if site permanency is an issue then time, effort and money cultivating the soil can be lost.

Tammy explained things to consider when decisions are being made. Are the gardens open to people that live outside the City limits? She said if so, will there be a different fee? Do we reserve a number of plots to support a local food bank and is there a difference in these fees as well? Will plots be reserved for low income families and if so, what are the qualifying procedures.

Tammy recapped what will be provided at the City and posed the following questions. She said location is something to be considered and will have a major effect on the decisions that need to be made. Will the City allow for ADA accessibility? Does it fit the personality of the particular neighborhood, have water, parking, site permanency, sun, soil and shade? Do you want to reserve a place for a designated children's garden and if yes, what are the ground rules for that space, and will the flowers and produce be available to anyone or saved for a food bank? Do you want to declare the garden as pesticide free?

Tammy explained data in comparison to other cities in this area and what they charge. She explained each City is different and some provide, tools, a shed, yard debris service and some provide just the dirt and water.

Tammy explained potential partners and said it's important to have partners to help with the success of the program and help with the ongoing cost.

Tammy explained next steps, provided the Council with a handout of Community Garden Comparisons, (see record, Exhibit D), and explained. Tammy further explained gardens as being pesticide free and referred to as organic. She said they don't require the gardeners to use organic seeds and they don't necessarily use organic soil and said when they say organic they are referring more to pesticide free and natural type fertilizers.

Tammy offered to answer questions and discussion occurred regarding current community gardens in Sherwood and there being two that are run by churches. Questions were asked about tools and tool sheds and where they are kept and Tammy explained what other cities provide and don't provide.

City Manager Gall offered to the Council a visit of the gardens in Beaverton and spoke of some of the challenges. Discussion occurred regarding a site manager/leader and this person being a volunteer, partnerships, and garden sites at churches and schools. City Manager Gall said he did not want to discuss sites yet and wanted to discuss the program first. Comments were received regarding building the gardens utilizing scouts working on their Eagle Projects. Comments were received that a community garden was talked about when the City built Snyder Park and it was cut from the budget along with a few other features. Discussion occurred regarding raised beds and ADA accessibility, watering systems, and what the City could provide in the form of hoses. Discussion occurred regarding a lottery system and first right of refusal for returning gardeners.

City Manager Gall commented in regards to having successful gardens if done well and being concerned with the resources required for more than one garden. He spoke of soil testing at sites and sun exposure. General discussion followed.

Mayor Clark thanked Tammy for the information and said she is hearing the Council members are in support of a program, Council members conceded.

5. ADJOURN

Mayor Clark adjourned the work session at 6:50 pm and convened to a regular Council meeting.

REGULAR SESSION

1. CALL TO ORDER: Mayor Clark called the meeting to order at 7:00 pm.

2. COUNCIL PRESENT: Mayor Krisanna Clark, Council President Sally Robinson, Councilors Linda Henderson, Jennifer Harris, Jennifer Kuiper, Beth Cooke and Dan King.

3. STAFF AND LEGAL COUNSEL PRESENT: City Manager Joseph Gall, Police Chief Jeff Groth, Community Development Director Julia Hajduk, Planning Manager Brad Kilby, Senior Planner Connie Randall, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy. City Attorney Chris Crean.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA, SECONDED BY COUNCILOR ROBINSON. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

5. CONSENT AGENDA:

A. Approval of February 17, 2015 City Council Meeting Minutes

MOTION: FROM COUNCILOR COOKE TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

6. PRESENTATIONS:

A. TVF&R State of the District

Fire Chief Mike Duyck presented the TVF&R Annual Update (see record, Exhibit E). He introduced TVF&R staff members Captain Brian Smith and the crew of Engine 33, Division Chief Al Kennedy and Christina Lent. He stated the briefing would include a year in review, planning for the future and what we are doing as a partnership to create safer communities. He recapped Sherwood incidents that TVF&R responded to in 2014 and said 79% of the responses were emergency/medical in nature. He said there were a small percentage of fires, hazardous material conditions and public assistance calls they responded to. He recapped district-wide responses and said there are slight trends upwards, which are

consistent with the population growth, and last year they responded to over 35,000 calls district-wide out of the 21 fire stations.

He spoke on the programs offered and said they try to focus on prevention and education and provided examples. He said with their partnerships with law enforcement agencies they try to get to the high schools and present simulated car accidents, and commented on the impact this has on the students. He referred to the partnership with middle school and high school students learning hands only CPR and said last year they trained almost 5,000 students and over the last three years they trained over 16,000 students in the fire district. He noted those students then train others and they are seeing exponential increases in the number of people that know how to do CPR as a result of that program. He referred to the inspection program and said they conducted over 6,000 inspections and focused on the higher risk businesses and worked closely with the City Building Department. He said they investigated over 170 fires and commented on the landlord training program for multifamily dwellings. He stated they train the landlords on how to make their complexes safer and prevent fires. He said historically TVF&R has seen its highest life lost incidents in multifamily housing and they have found that having the landlords trained has proven to be effective. He said the program has been nationally recognized and won national awards and they provide it free of charge. He stated they interacted with over 50,000 patrons of the fire district last year passing on knowledge on how to be successful and safer in their own lives.

He commented on accomplishments and thanked the community for passing the local option levy and said that is a significant revenue stream. He said since that passage they have trained 25 new recruit firefighters, deployed medic units that are transportable, purchased land and opened stations. He said there are a number of creative pilots and gave the example of one with Metro West Ambulance where they are looking at our resources and theirs and try to determine how to decrease response times. He said there has been a significant decrease in response times but it is too early to provide statistics. He commented on other pilot projects where they are sharing resources with private ambulance providers.

He discussed planning for the future and said there are a number of sites identified to augment their responses and said in anticipation for the growth in the Bull Mountain Roy Rogers area they know they will need to add fire stations in the future as that growth occurs. He said they continue to do analysis to make sure the community's needs are met as it grows and they will work closely with the City and the County to understand and be ready to respond. He commented on a career firefighter academy and said there are currently 12 going through the academy. He said there was a recruitment process for volunteer firefighters and they received nearly 100 applications. He stated there are plans to purchase several new apparatus, response apparatus for the volunteers, some ladder trucks and the regular capitol upgrades. He said there are some station remodels occurring and they are anticipating more diversity in the organization and they need to accommodate for dual genders. He stated they are doing seismic upgrades and received a federal grant for the upgrades. He commented on leveraging technology and data for better outcomes in the field. He referred to the emergency/medical side and said they are doing EKGs in the field and transmitting that data to the emergency room to cut down the time it takes for a patient to receive treatment. He said they are exploring telemetry with emergency room doctors.

He commented on the relationship with the Sherwood Police Department and said on Valentine's Day they hosted the first survivors breakfast and he said that was an opportunity to bring the people they responded to over the year that were in cardiac arrest that survived. He said the chances of surviving a cardiac arrest nationally is less than 10 percent. He stated with the partnerships they have and the CPR training they were able to have 22 of the 36 survivors last year attend the breakfast. He presented a video

from the breakfast that highlights the Sherwood Police Department. He thanked the City for the partnership and helping create a safer community.

Mayor Clark thanked Chief Duyck and stated she attended the High School simulation event and said it is very impactful and effective.

Council President Robinson asked if TVF&R has any lobbyist who push legislation and provided the example of requiring teachers to have training in CPR and the AEDs.

Chief Duyck responded that they belong to the Oregon Fire Chiefs Association and partner with the League of Cities and others and said there are a couple of bills currently and one allows for the training to occur across the schools and with the students at a minimal impact. He said the benefit they have with the school districts within TVF&R is they have the resources to partner with the schools and can help them with the training of students and provided examples of passing on the lifesaving skills to all the staff and the students. He noted that in the incident shown in the video the officers arrived to someone already doing CPR.

Council President Robinson referred to the lock-in drills at the schools and asked if the fire department participates in those drills.

Chief Duyck said yes and noted there is discussion around the right protocol and said the Police Officers have the tools such as weapons and the firefighters don't. He said they are learning from other events around the country about how to be more successful.

Councilor Harris asked how can businesses get AEDs and who pays for them.

Chief Duyck said there was a piece of legislation that passed and stated if occupancy was a certain type and reached a threshold you have to have an AED on site but it gave businesses several years to accomplish that. He said there are grants available and said if a business is interested they should contact TVF&R and they will inform them of the options. He said we want to know which businesses have an AED so we can catalogue the information. He reminded the Council of the smart phone APP called Pulse Point which notifies you if you know CPR of where a cardiac arrest is and said they need to put all the businesses that have AEDs in the system. He noted the highest chance of survival is when CPR is started immediately and an AED is used to deliver a shock. He encouraged people to go to the TVF&R website or call and said there is information on how to get and AED and how to get it catalogued in the system.

Council President Robinson asked if part of the landlord training includes the requirement to have a carbon monoxide detector in addition to the fire detectors.

Chief Duyck said he could find out. He said they try to get into most of the apartment complexes to check access water supply and a number of things and he said he is sure it is on the list of things to check.

Councilor Kuiper asked how the Pulse Point is working.

Chief Duyck said it has been available for a year and they have had a few saves. He noted that most people that use it tend to be emergency responders themselves. He said the emergency responders have

the skills and the training and that is a benefit. He stated some of the public has downloaded the APP and a few have checked the box that they will respond to a CPR incident. He stated they have not received nearly the penetration that they anticipated. He noted it may be a generation issue. He said they have had some of their emergency responders use the APP and save lives and gave an example and said it is working.

Councilor Henderson referred to the number of medical incidents they responded to and asked if there is a chance that our station will get one of the two man cruisers.

Chief Duyck said there are medic units surrounding the area, which from a deployment standpoint is a good system because those units can respond if a transport is needed and you don't lose that unit as they go to the hospital. He said the medic units are only one component of their response and said they also have the cars which are SUVs that respond with one responder. He said they are adding more to the system. He noted they are working on a pilot with motorcycles and working with local law enforcement and plan to do a launch of that program later this year. He stated Sherwood has 21 fire stations at its disposal and if a significant incident happens here you will get everything. He commented on the benefits of a regional response model and the amount of resources in Sherwood.

Mayor Clark thanked Chief Duyck and the TVF&R staff for their service and addressed the next item on the agenda.

7. CITIZEN COMMENTS:

Kurt Kristensen, Sherwood resident approached the Council and commented on the lock-in drills at the schools and said he is one of those teachers and said he would like to see what is happening when they are locked in. He said the students are very fearful and realize that something bad could be happening. He commented on the 2015 review of the Water Master Plan and said the \$42 million plan started in 2005 and currently is producing most of the water for Sherwood. He said he was concerned at the time and noted that it narrowly won and there were issues regarding the election and the language on the ballot. He said the first phase cost \$42 million and the next phase is proposing to spend another \$26 million. He said he has reviewed the papers and the May 5, 2011 presentation by Chris Uber made to the PNWS where he called Sherwood's journey "developing a controversial water supply". He noted that Sherwood is changing and growing and said we were promised lower water rates by 2015. He said the previous Council changed the billing period from being every 2nd month to being every month so in essence it looks like the water rates have doubled. He stated the Water Master Plan discusses how the new costs will be allocated and he is concerned that the cost will be put on existing ratepayers as opposed to SDC charges. He said this year we may see a 6-10% increase in water rates because the last Council did not vote on it. He noted this issue needs deeper scrutiny and perhaps go before the voters. He said there is plenty of time to review the issue and it is a sensitive issue. He encouraged the Council to work slowly and let the voters have a look at it.

Ivonne Gebhardt, Sherwood resident came forward and provided information about a book she has been reading titled "Crucial Conversations: Tools for Talking When the Stakes are High". She said the definition of a crucial conversation is a discussion between two or more people where the stakes are high, opinions vary and emotions run strong. She read the chapter titles and a list of examples of crucial conversations. She asked what are the crucial issues facing our community, and are there conversations that are not

being held or not holding well that will keep us from progress. She said each conversation we engage in can turn into a crucial conversation and it is important to work on and improve these skills.

Eugene Stewart, approached the Council and encouraged them to set up a work session with the Senior Center and the Loaves and Fishes Program and set goals, determine where help is needed and examine the condition of the building. He said Loaves and Fishes is projected to spend \$90,000 this year and asked if the City should help with this. He suggested inviting the CEO of Loaves and Fishes to a work session. He said there is an agency in Washington County that is available to provide travel assistance for seniors. He suggested having a work session in the afternoon so the seniors can attend and provide input. He said the Senior Center is getting busier and parking will be a problem soon. He stated there is property in front of the senior center that is for sale and maybe could be swapped for something downtown that a developer would like to develop with no cost to the City. He commented on traffic and asked if the traffic light could be resituated to where there could be another entrance into the center with a 4 way stop sign. He said we need to be thinking about the future and have a plan and how to pay for it.

Tess Kies, Sherwood resident came forward and commented on the grand opening and said *Mary Poppins* will be performed there and said there will be a YMCA event on March 14. She said she is representing Tom Grant who will be performing a benefit on March 20 at the Sherwood Community Arts Center. She said he attended the grand opening to assess where he will be playing. She said the benefit is for two students representing the Student Ambassador Program started by President Eisenhower in 1956 to foster world peace. She said the students who are going are 2 of 5 chosen from Oregon and Mr. Grant is doing a benefit to raise funds for their trip. She noted 503 Uncorked will be pouring wine, Sweet Story will be in attendance and Schwan's will be providing free ice cream. She said there will be a silent auction and the event is March 20 and the doors open at 6:30 pm and the event starts at 7:00 pm. She said tickets are available online.

Mayor Clark addressed the next item on the agenda.

8. PUBLIC HEARING:

A. Ordinance 2015-003 Amending multiple sections of the Zoning and Community Development Code including divisions I, II, III, IV, V, VI, VII, and VIII

Associate Planner Connie Randall came forward and presented the staff report. She said there are 52 proposed amendments and they are primarily to correct errors, increase consistency, formatting and referencing between sections to consolidate definitions and clarify code language and intent. She said they are proposing the elimination of two fairly confusing diagrams in the ordinance and creating a true matrix format for the commercial design to make it easier for developers, the Planning Commission and residents to understand what the regulations and expectations are. She stated there are two minor substantive changes proposed. She said the first one is for incidental and retail sales in the Light Industrial (LI) zones and it deals with the allowed incidental sales. She stated the second is for the amount of monetary assurance, typically what a performance bond requires when public improvements are required to be completed as a condition of subdivision approval.

She provided background information and said the Planning Commission began discussing this on April 8, 2014 with a public work session. She said they met in a work session on September 9 and October 28 to review more than 80 potential code amendments. She said the majority of those were classified as

minor along with the two substantive changes and staff received unanimous approval to move forward with the minor corrections. She said the remaining were classified as larger policy issues requiring more community thought and research and they were tabled and will be back before the Planning Commission. She stated the Planning Commission held a public hearing on December 9 and recommended approval of the 52 items included in this proposal. She said the City Council had a work session on February 3 to review the Planning Commission's recommendation. She said public notice of both the Planning Commission and the City Council public hearings were published in the *Times* and the *Sherwood Gazette* 2 weeks prior to each hearing and also a second time within 5 days of each hearing. She said there were notices posted in the 5 locations in town at least 20 days prior to the hearings and the information was posted on the City website. She stated notice was provided to the Department of Land Conservation and Development on November 4, 2014.

She discussed two required findings in the current ordinance and said any time there is a plan amendment or zone ordinance text amendment there needs to be an identified need. She said they have established there is an identified need through the public work session in April 2014. She said the second condition is it needs to be consistent with the intent of the Comprehensive Plan and the City and State regulations. She said these are all very minor grammatical errors and are consistent with the intent of the Comprehensive Plan. She stated it also has to be consistent with the transportation planning rule and there is only one edit that this impacts and that is the minor substantive change to incidental retail sales in the industrial zones.

She referred to item 10 of the 52 items listed and said this deals with the use table in the industrial code and it deals specifically with incidental retail sales. She said it has to be associated with a permitted use and it is limited to a maximum of 10% of the total floor area of the business. She stated currently it is a Conditional Use Permit required in the light industrial and general industrial zone and it is permitted in our employment industrial zone. She said they are proposing to change it to permitted across all zones for a consistent treatment of how incidental retail sales are handled in industrial zones. She stated prior to 2012 incidental retail sales were allowed in the light industrial and general industrial district and in 2012 there was a code amendment and clean-up which consolidated all of the chapters of industrial to make it into one chapter and put it in a table format and through that there was an oversight where it got made a conditional use permit rather than an outright permit. She said they are proposing to restore the rights the businesses had prior to 2012. She said this is consistent with Metro's Urban Growth Management Functional Plan which specifically requires limitations on retail sales in industrial and said we currently have those limitations and referred to a footnote #7 that addresses that. She said they are limited in size to 5,000 square feet in a single outlet and no more the 20,000 square feet in a multiple outlet for the same development project. She said that regulation would not change and is consistent with the transportation planning rule. She stated the City Engineer has reviewed the proposal and said since we are not expanding any uses and simply changing the way we would allow the use he does not foresee any significant change or impact to the transportation system in the City.

She referred to the second proposed substantive change and said it is with the performance security in the subdivision chapter. She said they are proposing to increase the amount required from 100% of the estimated cost of improvements to 125%. She stated this is to cover the costs in the event that the City will have to pull a performance bond and make the changes. She said typically in the development process when there are required public improvements the applicant is required to bond for those improvements to demonstrate that they are financially able to put those improvements in. She said if a project does not go as planned and the public is left with an uncompleted project the City has the ability to

pull the bond and implement those changes and complete the improvements as required. She noted it costs money to pull bonds and manage the oversight which is not accounted for in the original 100% of the estimated costs. She said they are proposing to make the subdivision section consistent with our public infrastructure chapter. She stated the public infrastructure chapter was amended a few years ago and increased the amount to 125% and it was missed in the subdivision chapter.

She said based on the finding of fact and the staff report presented in the public hearing in December 2014, the Planning Commission recommended that the City Council approve these code amendments.

Councilor King asked how they determined the 25% increase. Ms. Randal said 25% was consistent with the other section of the code.

Community Development Director Julia Hajduk stated 125% is the industry standard and noted there are some jurisdictions that require as much as 150%.

Council President Robinson said she was on the Planning Commission at the time and they found that when a contractor defaults the cost is always more than 100% of the project and it is important to require 125% so the City is not out any money on the project.

Councilor Cooke stated she was also on the Planning Commission and this was a lengthy process and she commended staff for their work.

Mayor Clark opened the public hearing.

Tess Kies, Sherwood resident approached the Council asked for an example of retail sales in an industrial area.

Ms. Hajduk said it is common to have situations where you have a manufacturing establishment and a small portion of that operation is open to the public for retail sales. She said a small percentage is allowed to serve the population that works there or to sell the wares that are made there.

Mr. Gall said a good example is Two Kilts Brewery, they manufacture in an industrial zone and have a tasting room for the public. He said that tasting room is incidental to the primary industry use. Discussion followed and other examples were given.

With no further public testimony, Mayor Clark closed the public hearing.

Mayor Clark reminded the Council of the new procedure of extending ordinances to a second reading. She asked for a motion for a second reading.

City Attorney Crean said the Council should take a vote on the ordinance tonight and in two weeks there will be another vote and assuming they are both affirmative it would pass. He said in the Charter, Section 16 (a) states that adoption of an ordinance requires approval by a majority of the Council at two separate meetings. He said if for example it were approved at the first meeting and then two weeks later in response to concerns there was a motion to amend and then it was approved again. He stated then you have not approved the same ordinance at two separate hearings so you would have to schedule it again to approve the same ordinance at two separate meetings. He said he appreciates the intent of the

Charter Review Committee and said the Council is the final arbiter of what its Charter means. He said the Charter does require approval by a majority at two separate meetings separated by at least six days. He stated there has to be some evidence of approval by a majority of the council at two separate meetings. He said typically that is by a motion or some other action of the Council to affirmatively establish that it was approved by a majority of the quorum.

The City Recorder asked if the Council by stating a motion and voting, if that could be the approval to move the ordinance to a future date for consideration.

Mayor Clark said she personally like this better as it seems strange to approve something twice and she would be comfortable entertaining a motion to continue it to the next meeting.

Mr. Crean said the motion would be to continue for approval at the next meeting.

Councilor Cooke asked if they could continue to put on the consent agenda for the following meeting.

Mayor Clark said it would have to be another public hearing to give the public a chance to comment. She asked for a motion.

Mr. Crean noted that the ordinance has to be read at two consecutive meetings. He said you need a motion to read caption and move to schedule two weeks out at the next meeting for approval.

MOTION: FROM MAYOR CLARK TO DIRECT THE CITY RECORDER TO READ CAPTION AND RESCHEDULE ORDINANCE 2015-003 AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS, I, II, III, IV, V, VI, VII AND VIII, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Councilor Henderson clarified that there will be public comment again on March 17, 2015. Mayor Clark replied yes. Councilor Henderson replied that was the intent of the Charter Review Committee to have two opportunities to comment on an ordinance.

Mayor Clark said it will be listed as a public hearing at the next meeting.

The City Recorder said that she will work with Mr. Crean to develop a standard statement for this process.

Mayor Clark said it seems cumbersome, thanked staff and said she would appreciate that.

9. CITY MANAGER REPORT:

City Manager Gall stated there was a work session next week regarding marijuana.

Ms. Hajduk said it is a public work session where the public will be invited to have a dialogue with the Planning Commission. Julia explained the meeting format will have multiple tables for public seating alongside of planning commissioners. She said they will be discussing medical marijuana and it is very important to have as many people as possible and said we are on a tight timeframe to come up with recommended language for the Council. She stated the moratorium ends around the end of April,

beginning of May. She said the work session starts at 6:30 pm and will be held in the Community Room on March 10.

Council President Robinson referred to the comments made by Eugene Stewart regarding the Senior Center and asked if we have a liaison and if we receive reporting that supports that number.

Mr. Gall said occasionally we have work sessions and it has been a while and now we have a new Council and he will talk to the Mayor about scheduling a work session.

He said Community Service Director Kristen Switzer is the staff liaison to the Senior Center and is the most knowledgeable about how operations are handled and how they have evolved. He recommended visiting the Senior Center to see how it is being used. He said Mr. Stewart has been consistent with his ideas and concerns. He said Councilor Henderson is the Council liaison and Kristen Switzer is the staff liaison.

Council President Robinson asked if there is a budget item for the Senior Center.

Mr. Gall said there is a small budget but the operations are mainly operated by Loaves and Fishes through a contract with the City.

Mayor Clark addressed the next item on the agenda.

10. COUNCIL ANNOUNCEMENTS:

Councilor King expressed his gratitude for being invited to the Police Dinner. He commented how great it is to see how the police department has come along in the past seven years and commended Chief Groth and the men and women of the force and said he looks forward to attending a future event.

Councilor Henderson announced that Mary Poppins will open on March 5 and said she will need to excuse herself to go help with the event. She announced there is a Tom Grant performance on March 20. She thanked the staff for the Sherwood Center for the Arts grand opening. She said it was a great event and in speaking with staff, staff thought we had in excess of nearly 2,000 in attendance. She commented on the acoustics and the quality of the facility and said this is a credit to many people, former members of Council, staff and people they met while researching the type of center to build. She commented regarding the quality of the sound and stated that tickets in general cost \$10-\$12. She commented regarding the parking for the 300 seat facility and the potential for increased business in old town during performances. She shared a recent conversation with a resident about his inability to hold an event at the new facility because it was already booked and said they will be working on being more flexible and creative to make events work. She thanked staff and members of the Cultural Arts Commission for their efforts and support at the event.

Councilor Henderson left the meeting at 8:20 pm.

Councilor Kuiper echoed the comments about the Police Dinner and the grand opening of the Sherwood Center for the Arts. She announced that yesterday was the neighborhood dog park meeting for the neighbors around the proposed dog park, she said the City is required to notice this as it is a land use action. She commented on the timeline and said we will need to go through a budget process and

hopefully work will begin in July or August. She reported on the Parks and Recreation Board meeting and said the consulting landscape design company came to the meeting and presented three options for Woodhaven Park and the Board chose one option and that will be presented at a community open house in April. She said by this fall they should have construction bid documents to get things started.

Council President Robinson said she attended a local budget law seminar with Finance Director Julie Blums and said there were no changes in the laws but the way things are reported will be a little different and she is looking forward to that process. She said hopefully the last position on the Budget Committee will be filled and training can start for the budget process. She commented on Kurt Kristensen's comments regarding the Water Master Plan and said the Planning Commission is reviewing it and said it's an update to the plan, where we are today and where we need to be in 20 years. She encouraged citizen's to attend the planning commission meetings. She said we have a consultant who has done some research and we have asked some very important questions and she believes they are doing a great job.

She echoed the comments about the Sherwood Center for the Arts grand opening and shared a conversation she had while attending an event in Tualatin and how people outside of our City already know about the center and are attending our events. She announced the Planning Commission work session to discuss marijuana and the meeting format which will be a round table format with lists of topics and locations to discuss. She commented about the location of and they want the community's input on where it should go, for example general industrial or commercial. She said they need community input and said they understand that the citizen's within the limits of Sherwood did not vote to pass Measure 91 and with that in mind they want the public's input. She said we are allowed to regulated time, place and manner of where the medical marijuana dispensaries are located in the City. Councilor Robinson stated she wanted to acknowledged City staff and said many have worked here a long time and stated the benefits of long term employees is that they know the industry and what is available. She gave the examples of researching and obtaining grants and provided examples of the grant from DEQ to cleanup the tannery site and the grant obtained for a planning associate, Connie Randalls position and a grant for our new technology in this community room. She said we have people out there trying to maximize our tax dollars and we have a lot in our City that is funded by grants and thanked staff for their efforts.

Councilor Harris commented on the grand opening of the Sherwood Center for the Arts and thanked Sweet Story, Sesame Donuts and Symposium for their donations. She commented on the Sherwood Library and said there will be a Washington County Library Services local option levy in November and stated that 21% of the City's Library budget comes from that levy. She noted the importance of the levy and said it has been five years since the last levy and asked everyone to stay informed and if they had questions to contact Library Manager Adrienne Calkins, and said Ms. Calkins has an article in the Sherwood Archer. She referred to the March calendar for the Library and highlighted a few events such as Lego Maniacs on Saturday and on March 12, a Mind the Gap event in correlation with Oregon Humanities and the talk is about gender and how it shapes our lives and said it's a free event. She said on March 20th there is a Stuff Friends Sleepover and explained the event. She commented about the Homework Help Program for students every Tuesday from 3-5pm. She commented on the number of volunteers and said there are over 30 volunteers at the library. She announced that Washington County is using the Sherwood Center for the Arts to host a story telling program that is free on April 11-18 and is geared toward adults and 503 Uncorked will be there.

Councilor Cooke announced that there are vacancies on the Planning Commission and applications are due March 13 and she encourage citizens to apply. She said she attended the grand opening for the

Sherwood Center for the Arts and the Police Dinner. She commented on how the police force is a strong part of our community. She stated she attended the City Day at the Capitol with Mayor Clark and Councilor Harris and said it was an opportunity to learn more about the legislative issues potentially impacting our community.

Mayor Clark reported she attended the City Day at the Capitol and said she set up interviews and lobby opportunities with Senator Thatcher and Representative Davis. She said she met Governor Kate Brown and appreciated the opportunity to share ideas with other elected officials. She said she attended the one year anniversary and ribbon cutting for the Growler House. She stated she attended the Westside Economic Alliance breakfast and they spoke of waste management and they had speakers from Providence and they talked about recycling programs, which she is very interested in setting up in Sherwood and they also spoke of community gardens. She said it was a great event and Providence donates thousands of pounds of food to the communities they are in. She said she attended the Swinging with Spaghetti fundraiser in support of the band program. She commented on the grand opening of the Sherwood Center for the Arts and said she had a brief moment to speak about fiscal responsibility and to keep that facility busy. She reminded everyone of daylight savings time this coming Sunday.

11. ADJOURN:

MOTION TO ADJOURN: FROM COUNCILOR KUIPER, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (Councilor Henderson was not present).

Mayor Clark adjourned the meeting at 8:14 pm

Submitted by:

Sylvia Murphy, MMC, City Recorder

Krisanna Clark, Mayor